

CONFIRMED FILING DATE: 7/25/2011

2011-43577

CAUSE NO.

FILED

Chris Daniel
District Clerk

JUL 25 2011

1:55

Time: 1:55

Harris County, Texas

by DS
Deputy

PERFECTO O. OLAY JR.

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§

IN THE 182 DISTRICT COURT

VS.

OF

AMERICAN EAGLE TANKERS, INC.

§

HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

PERFECTO OLAY, of 13418 Sable Ln, Houston, Texas 77044, Plaintiff, complain of
AMERICAN EAGLE TANKERS, INC., OF 1900 West Loop South, Suite 920, Houston,
Texas 77027 Defendants, and for cause of action shows:

TO THE HONORABLE COURT:

Discovery Control Plan

1. Level Two is the applicable discovery control plan for this lawsuit.

Parties

2. Plaintiff, PERFECTO ORDENARIO OLAY, JR., is an individual and a resident of HARRIS COUNTY, Texas.
3. Defendant, AMERICAN EAGLE TANKERS INC., a Corporation doing business in HARRIS COUNTY, Texas. The corporation may be served process by serving the Chief Officer or Agent at 1900 West Loop South, Suite 920, Houston, Texas 77027

Venue and Jurisdiction

4. Venue is proper in Harris County, Texas.
5. This court has jurisdiction over the defendant because the damages exceed the minimal jurisdictional limits of this court.

EXHIBIT

Facts

6. This lawsuit is a result from non-payment of moneys and benefits due to plaintiff for a period of four (4) years from 2004 to 2008.

Defendant, American Eagle Tankers, Inc., failed to deliver to Plaintiff all the moneys and benefits due to him by not correctly compensating him for work done for Defendant. Defendant, did not inform Plaintiff and his fellow workers that they were practically doing work for free for the Defendant after their regular hours of work was over.

7. Plaintiff tried to inform through his superiors regarding the situation, but instead of solving this was instead investigated and was charged falsely of getting paid for work not done and dismissed. The fact was that Plaintiff was in the Philippines at that time and he does not prepare the payroll nor is cognizant or knowledgeable of payroll matters, but is Defendant's obligation. Furthermore, Plaintiff would show that Defendant:

- a. Tried to conceal their illegal methods of not properly compensating their employees by falsely accusing and dismissing them;
- b. Has been using this illegal practice for a long time which tantamount will to fraud.

Damages

8. Due to the illegal and fraudulent acts of Defendant and his Agents, Plaintiff has lost moneys and benefits which is due to him and which Defendant has unlawfully

withheld and deprived him. As a result Plaintiff suffered the following damages, which are within the jurisdictional limits of this Court:

- a. Non-payment moneys and benefits calculated at the time of his dismissal was at \$68,500.00;
- b. Interest for the moneys fraudulently withheld from him;

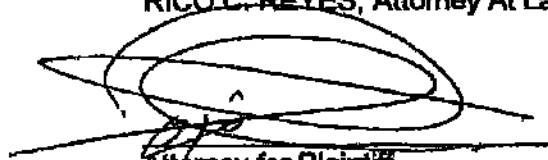
Prayer

For the foregoing reasons, Plaintiffs ask that the defendant be cited to appear and answer, and on final trial, that Plaintiff have judgment against Defendant for:

- a. Exemplary damages;
- b. Actual damages for causes stated above;
- c. Pre-judgment and post-judgment interest at the highest legal rate;
- d. Costs of suit; and
- e. All other relief the Court deems appropriate.

Respectfully submitted,

RICO C. REYES, Attorney At Law



Attorney for Plaintiff
10101 Harwin Drive, Suite 375
Houston, Texas 77036
Telephone: 713-270-0007
Facsimile: 713-270-5050
TBA#: 00786855

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Ms Terrell-SD rect
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2011-43577

RECEIPT NUMBER 12101 70.00
TRACKING NUMBER 72686497 COL

CAUSE NUMBER 201143577

PLAINTIFF: OLAY, PERFECTO
vs.
DEFENDANT: AMERICAN EAGLE TANKERS INC

In The 152nd
Judicial District Court of
Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS
County of Harris

TO: AMERICAN EAGLE TANKERS INC BY SERVING ITS CHIEF OFFICER OR AGENT
1900 WEST LOOP SOUTH SUITE 920 HOUSTON TX 77027

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 25th day of July, 2011, in the
above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED; you may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 27th day of July, 2011.

Issued at request of:
REYES, RICO C.
10101 HARWIN DRIVE SUITE 375
HOUSTON, TX 77036
Tel: (713) 270-0007
Bar Number: 786355



Chris Daniel
CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
P.O. Box 4651, Houston, Texas 77210

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OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the 29 day of July, 2011, at 7:17 o'clock A.M., endorsed the date of delivery thereon, and executed it at 1900 West Loop S #920, Houston, (street address) (city)

in Harris County, Texas on the 02 day of August, 2011, at 9:11 o'clock A.M., by delivering to American Eagle Tankers Inc, (the defendant corporation named in citation), by delivering to its

Director, in person, whose name is Ms. Terrell, (registered agent, president, or vice-president).

a true copy of this citation, with a copy of the Citation Corporate Petition attached, (description of petition, e.g., "Plaintiff's Original")

and with accompanying copies of (additional documents, if any, delivered with the petition)

I certify that the facts stated in this return are true by my signature below on the 02 day of August, 2011.

FEE: \$

By: (Signature of Officer)

Printed Name: Phil Camus, Constable

As Deputy for: Phil Camus, Constable
P.O. 5 Harris County, Texas
(printed name & title of sheriff or constable)

Affiant Other Than Officer

On this day, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this day of 2011.

FILED
Chris Daniel
Notary Public

NINT.CIT.P

2011 JUL 29 AM 7:17
PHIL CAMUS
CONSTABLE PRECINCT 5
HARRIS COUNTY, TEXAS

AUG 5 2011
Time: 9:09 AM
By: (Signature)